

## REMARKS

Claims 1–6, 8, and 9 were pending and remain pending. By this Amendment,  
Applicants amend claim 9 to correct an error unintentionally introduced by the Preliminary  
Amendment. Applicants also amend the specification and drawings to correct minor errors  
that would have been readily apparent to one of ordinary skill in the art. Amendments are  
supported by the application as filed. Therefore, no new matter is entered by this  
Amendment.

### *Allowable subject matter*

Applicants acknowledge with thanks the Examiner's determination that claim 5  
would be allowable if rewritten in independent form.

### *Claims 1-4, 8, and 9 are novel under 35 U.S.C. § 102*

Claims 1-4, 8, and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by  
U.S. Patent No. 6,003,766 to Azima et al. ("Azima").

In response, Applicants respectfully traverse the rejection because they disagree  
with the Examiner's characterization of the Azima reference and maintain that Azima does  
not disclose all the features recited in claim 1.

The Examiner stated that Azima (Fig. 2a and col. 4, lines 24-26) discloses a panel  
loudspeaker wherein, among other things, at least one connecting element is under  
mechanical tension when connected with the periphery. The Examiner further stated that  
Azima also discloses that regions of the at least one cover layer that are connected with the  
core layer are also under mechanical tension, asserting that it is inherent that when joints  
20 are under tension that cover layer 21 is also under tension.

However, there is no disclosure in Azima, explicit or implied, that any of the  
elements of the panel are under tension. Fig. 2a merely shows the frame 1 and the panel 2  
connected to the suspension 3 at joints 20. Azima does not teach that there is tension in  
any of these elements. Indeed, the arrangement shown in Fig. 2a could very well be under

compression. The cited description in column 4 merely discusses ways to increase damping of the panel, such as by bonding patches to the panel or using resiliently setting adhesive. Neither cited portion makes any reference to tension. Azima is silent on this point. Therefore, it cannot be said that Azima discloses a panel loudspeaker having a connecting element that is under mechanical tension when connected with the periphery.

Moreover, Figure 4 of Azima shows the panel resting on foam rubber suspension 3. (see also col. 5, lines 29-39). One of ordinary skill in the art would recognize that this arrangement is generally unsuitable for generating tension in the panel.

With particular reference to claim 2, Applicants point out that Azima does not disclose that "at least one of the cover layers of the respective sound radiating panel extends to the periphery." Rather, the Azima description and figures clearly show that covers 21 do not extend to frame 1.

With particular reference to claim 4, Applicants point out that Azima does not disclose that "the periphery is formed by at least one additional panel." Rather, Azima teaches a single panel set in a frame. Azima does not disclose that its frame may be formed by another panel.

With particular reference to claim 9, Applicants reiterate their comments above. Applicants further point out that Azima does not teach that "a mechanical tension in the at least one connecting element is different from the mechanical tension in the at least one tensioned cover layer." Rather, Azima is silent as to whether any of its loudspeaker components are under mechanical tension at all.

Accordingly, Applicants assert that claims 1-4, 8, and 9 are not anticipated by Azima and are therefore allowable. Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

Furthermore, if the Examiner persists in rejecting any of these claims, Applicants point out that the Examiner should state with particularity the teachings relied upon for each rejected claim. Applicants submit that Azima shows or describes inventions other than as claimed by Applicants. Therefore, pursuant to 37 C.F.R. § 1.104 (c)(2), the

Examiner must designate the particular parts of the references relied upon as nearly as practicable and clearly explain the pertinence of each reference.

***Claim 6 is nonobvious under 35 U.S.C. § 103(a)***

Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Azima. The Examiner stated, "it would have been obvious to set the panel speaker to reproduce low frequency as claimed because it would have been a designer's choice to set a system to reproduce a certain range of frequency in an audio [signal]."

In response, Applicants respectfully traverse the rejection because claim 6 depends from allowable claim 1. Hence, claim 6 is itself allowable at least for this reason. Applicants accordingly request reconsideration and withdrawal of the rejection.

**CONCLUSION**

Applicants have responded to all issues raised by the Examiner and therefore consider this Amendment to be fully responsive to the Office Action.

The Commissioner may charge any underpayment or credit any overpayment made in connection with this Amendment to our Deposit Account No. **06-1448**.

The Examiner is invited to call the undersigned at (617) 832-1176 or at the telephone number listed below to discuss any question concerning this case.

Respectfully submitted,  
FOLEY HOAG LLP



---

Scott E. Kamholz  
Reg. No. 48,543  
Customer number: **25,181**  
Agent for Applicants  
under 37 C.F.R. § 1.34(a)

Date: December 4, 2003  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600  
Telephone: 617-832-1230  
Facsimile: 617-832-7000